

## **FACTS & FINDINGS**

### **SUBDIVISION-ADJUSTMENT & URBAN GROWTH PRELIMINARY DECLARATION MODIFICATION CASE NO. SUB-ADJ19-08 & UGA17-03MOD1**

**January 27, 2020**

#### **PROCEDURAL FINDINGS**

On May 17, 2019, an application for a Tentative Subdivision and Adjustment Review was submitted to the Planning Division. On August 8, 2019, the application was deemed complete after submission of additional requested materials. The applicant subsequently submitted an Urban Growth Preliminary Declaration (UGA) Amendment to modify previously approved UGA 17-03. On November 21, 2019, the Planning Administrator issued a decision approving the tentative subdivision.

On December 9, 2019, at a regularly scheduled meeting, the City Council voted to initiate the review of the Planning Administrator's decision. A public hearing before the City Council was scheduled for January 12, 2020.

On December 27, 2019, notice of the hearing was sent to the Morningside Neighborhood Association, South Gateway Neighborhood Association, surrounding property owners and tenants pursuant to Salem Revised Code requirements. Notice of the hearing was posted on the subject property on January 3, 2020.

On January 13, 2020, City Council held a public hearing, written and oral testimony and evidence was received. A motion was passed to close the public hearing. The City Council conducted deliberations and voted to modify the decision of the Planning Administrator, approving the application subject to modified conditions of approval.

The 120-day State mandated deadline for final decision is March 6, 2020.

#### **1. Salem Area Comprehensive Plan (SACP)**

Land Use Plan Map: The subject property is "Developing Residential" on the Salem Area Comprehensive Plan Map.

Urban Growth Policies: The subject property is located inside the Salem Urban Growth Boundary and inside the corporate city limits.

Growth Management: The subject property is located outside the City's Urban Service Area. The properties have previously been approved for an Urban Growth Preliminary Declaration (UGA17-03). The application includes a modification to UGA17-03.

#### **2. Zoning**

The subject properties re zoned RA (Residential Agriculture) and is vacant. The surrounding properties are zoned and used as follows:

North: PH (Public and Private Health Services); Oregon Youth Authority

South: (Across Kuebler Blvd) CR (Retail Commercial); Salem Clinic

East: RA (Residential Agriculture); single family dwelling

West: (Across Reed Road SE) FMU (Fairview Mixed use); vacant

### 3. City Department Comments

- A. **Fire Department** - The Salem Fire Department submitted comments indicating that fire hydrants are not shown and are required to be provided within 600 feet of all portions of the structures. Fire Department access is required to be provided within 150 feet of all portions of the structures. Dead end Fire Department access roads over 150 feet require an approved turnaround, including temporary dead-end roads created by phasing. Two approved means of Fire Department access is required when the development exceeds 30 dwelling units.

**Staff Response:** Condition 16 and 17 requires the applicant demonstrate that fire apparatus access requirements are met by either providing written findings from the Fire Marshal that the proposed configuration does not result in greater than 30 dwelling units being served by a single fire apparatus road, obtaining written approval from the Fire Marshal granting an exception available when all dwelling units are equipped with sprinklers, or reconfiguring the subdivision to include less than 30 lots for dwelling units. Prior to final Plat adequate turn around locations will need to be provided to the satisfaction of the Fire Marshal.

- B. **Public Works Department.** The City of Salem Public Works Department, Development Services Section, reviewed the proposal and provided comments and recommendations for plat approval.
- C. **Building and Safety Division** – The Salem Community Development Department, Building and Safety Division, submitted comments indicating no concerns with the proposal at this time.

### 4. Public Agency and Private Service Provider Comments

- A. **Pacific General Electric** – Street improvements and the relocation of PGE facilities will need to be completed prior to serving the subdivision.

### 5. Neighborhood Association Comments and Public Comments

The subject property is within the Morningside Neighborhood Association. Notice of the application was provided to the neighborhood association, pursuant to SRC 300.620(b)(2)(B)(iii), which requires public notice to be sent to “any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.” Morningside Neighborhood Association did provide comments prior to the comment period ending. Seven comments were received from adjacent property

owners or members of the public at large prior to the comment deadline. One comments had not objections and six comments of concern are summarized below:

**A. Pedestrian Access along Reed Road.** The Morningside Neighborhood Association expressed comments that the pedestrian and bicycle access is needed along the entire length of Reed Road.

**Finding:** The applicant is providing sidewalks and bike lanes along the frontage of the subject property on Reed Road, Battle Creek Road and Strong Road.

**B. Game Refuge, Loss of Wildlife Habitat and Open Space.** Several comments received express concern regarding the loss of wildlife habitat and open space that will result from the clearing and development of the property and suggest that rather than it being developed as a subdivision it should be donated to the City for creation of a new park. One comment raised concerns that the subject property was designated as a "Game Refuge."

**Finding:** In regard to impacts to wildlife habitat, the subject property has not been identified as a significant wildlife habitat by state wildlife management agencies or by the City. The subject property is located within the Urban Growth Boundary and incorporated limits of the City of Salem and has been designated on the City of Salem Comprehensive Plan Map as "Single Family Residential," which anticipates existing or future residential development similar to the subdivision proposed by the applicant. Loss of wildlife habitat that has not been identified as significant and is not a criterion under the Salem Revised Code for granting or denying a phased tentative subdivision approval.

In regard to impacts on open space, the Salem Area Comprehensive Plan has adopted goals, policies, and plan map designations to protect identified open space areas. The subject property has not been identified as a natural open space area. Instead, the Comprehensive Plan Map designates the subject property as "Single Family Residential," and the site has been zoned RS (Single Family Residential). While currently undeveloped, the subject property is located within an already developed residential area within the corporate limits of the City of Salem, and changes to the landscape from future residences in the proposed subdivision are not expected to exceed what would occur from the presumed development of land within the City zoned for single family residential development.

**C. Impact of Increased Traffic on Adjacent Streets.** Several comments received express concern with increased traffic in the vicinity as a result of the subdivision. Specific concerns raised regarding traffic and impacts on adjacent streets include the following:

- Re-alignment and improvements of Reed Road
- A Traffic Impact Analysis (TIA) is insufficient for the proposed.

**Finding:** The Public Works Department has evaluated the proposal and submitted comments indicating that as conditioned will have adequate width and pedestrian access. The proposal will result in street improvement of Battle Creek Road, Strong Road and Reed Road and the extension of new local streets through the subdivision in conformance with current standards for vehicle, pedestrian, and bicycle facilities. These streets will connect to existing streets and fill in gaps within the current street network. The TIA identifies traffic impacts and necessary mitigation measures to accommodate the proposed development. The City Traffic Engineer has determined that the proposed development as conditioned will mitigate traffic impacts. Mitigation of traffic impacts is provided through construction of frontage improvements along Strong Road, Reed Road and Battle Creek Road. In addition, the re-alignment and construction of the intersection of Reed Road and Battle Creek Road and a proportional share or temporary access fee for a future signal light at the intersection of Reed Road and Battle Creek Road will provide for a safe transportation system.

- D. **Well Location for 4826 Battle Creek Road SE.** Comments were received that an existing well located on the subject property serves a neighboring property.

**Finding:** The location and use of the existing well is not part of the decision criteria and should be resolved between the private parties.

## 6. Criteria for Granting a Tentative Subdivision

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subdivision process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created lots at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to Planning Administrator signing the final subdivision plat.

SRC Chapter 205.010(d) sets forth the criteria that must be met before approval can be granted to a subdivision request. The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the City Council's decision is based. The requirements of SRC 205.010(d) are addressed within the specific findings which evaluate the proposal's conformance with the applicable criteria. Lack of compliance with the following criteria is grounds for denial of tentative plan or for the issuance of conditions of approval to more fully satisfy the criteria.

**SRC 205.010(d)(1): The tentative subdivision complies with all standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to, the following:**

**(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.**

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The proposed subdivision would divide the 52.80-acre property into 209 lots, rights-of-way for internal streets, and a public stormwater facility, with no remainder. The subject property is currently zoned RA (Residential Agriculture) and PH (Public and Private Health Services).

SRC Chapter 543 (Public and Private Health Services):

**Lot Standards for PH zone** (see SRC Chapter 543, Table 543-2)

Minimum Standard	
Lot Area (All Uses)	10,000 square feet
Lot Width	50 feet
Lot Depth	80 feet
Street Frontage	16 feet

The subject property is zoned RA (Residential Agriculture) and PH (Public and Private Health Services). The proposal includes a single lot consisting of the entire PH zone; Lot 82 is proposed to be two acres in size and is entirely within the PH zone and Lot 81 is proposed to be 10,536 square feet in size and entirely within the PH zone. Pursuant to SRC 543.010, Table 543-2, the minimum parcels size is 10,000 square feet with a minimum width of 50-feet, minimum depth of 80 feet and 16-feet of frontage. Lot 81 and 82 meet these development standards.

SRC Chapter 511 (Single Family Residential): The proposed subdivision would divide the 52.80-acre property into 209 lots, rights-of-way for internal streets, and a public stormwater facility, with no remainder. The subject property is currently zoned RA (Residential Agriculture) and PH (Public and Private Health Services).

SRC Chapter 265.015 provides that any land within an RA zone district that is subject to a subdivision approval shall automatically be re-classified to an RS zone district on the date the subdivision plat is recorded. This provision applies to the RA portion of the subject property. Because the zoning of the subject property will be changed to RS with the recording of the final subdivision plat, the following analysis of the subdivision for conformance with the requirements of the UDC is based upon the property being rezoned to RS (Single Family Residential). The minimum lot area requirements of the RS zone are established under SRC 511.010(a) as follows:

**Lot Standards for RS zone** (see SRC Chapter 511, Table 511-2)

Requirement	Minimum Standard
Lot Area (Single Family)	4,000 square feet
Lot Width	40 feet
Lot Depth (Single Family)	70 feet
Lot Depth (Double Frontage Lots)	120 feet
Street Frontage	40 feet

Proposed lots in the subdivision range from approximately 4,456 square feet to 2.12 acres in size. On the plans submitted by the applicant, Lot 90 is less than 70 feet in depth, and therefore does not meet the minimum depth for a Single-Family lot in the RS zone. The applicant is requesting an adjustment to the minimum lot depth to reduce lot width for Lot 89 from 70-feet to 59-feet, which is addressed below in Section 7.

With the exception of Lot 89, which is address below, the proposed lots meet or exceed minimum lot area, dimension, and frontage requirements and therefore conform to the applicable standards. The proposed lots within the subdivision, as conditioned, are also of sufficient size and dimension to permit future development of uses allowed within the zone.

**Setback Requirements:** SRC Chapter 511 establishes the following setback standards for development within an RS (Single Family Residential) zone:

Front Yards and Yards Adjacent to Streets:

- Minimum 12 feet (minimum 20 feet when adjacent to a street designated 'Collector', 'Arterial', or 'Parkway')
- Minimum 20 feet for garages

Rear Yards:

- Minimum 14 feet (for any portion of a main building not more than one story in height); or
- Minimum 20 feet (for any portion of a main building greater than one story in height)

Interior Side Yards:

- Minimum 5 feet

Setback requirements for future development on the proposed lots will be reviewed at the time of application for building permits on those individual parcels.

The proposal conforms to the requirements of SRC Chapter 511.

SRC Chapter 800 (General Development Standards):

*SRC 800.020 (Designation of Lot Lines):* SRC 800.020 establishes front lot line designation requirements for corner lots, double frontage lots, flag lots, and all other lots. For lots that have frontage on a public street, other than corner lots, the front lot line shall be the property line that has frontage on the public street. Corner lots are lots located at the intersection of two streets, typically with street frontage on two sides. Provided that lot dimension requirements are met, the front lot line for a corner lot shall be the property line abutting a street provided by the building permit applicant.

With the exception of the lots listed below, the lots in the table below are corner lots, which do not meet lot depth requirement abutting both streets, which dictates which property line must be the front property line. Lots 19, 27 and 81, 82, 83 and 181 are corner lots meeting the depth requirement abutting both streets, although the western abutting street (Battle Creek Road) is designated a Minor Arterial, which restricts residential access. Therefore, the front lot line for the lots below are as follows:

**Condition** - The front property lines are designated below:

Corner Lot	Front Property Line
Lot 1	West property line - fronting on Street 'B'
Lot 2	West property line - fronting on Street 'B'
<b>Lot 4</b>	<b><u>South property line - fronting on Street 'C'</u></b>
<del>Lot 5</del>	<del>South property line - fronting on Street 'B'</del>
Lot 20	North property line - fronting on 'C Avenue'
Lot 22	North property line - fronting on 'C Avenue'
Lot 52 <b>57</b>	North property line - fronting 'I Avenue'
Lot 53 <b>77</b>	North property line - fronting 'I Avenue'
Lot 58	South property line - fronting on 'I Avenue'
Lot 59	North property line - fronting on 'E Avenue'
Lot 60	<del>North</del> <b>South</b> property line - fronting on Street 'C' <b>'E'</b>
Lot 61	<del>South</del> <b>North</b> property line - fronting Street 'E' <b>'C'</b>
Lot 70	East property line - fronting Street 'G'
Lot 76	<del>South</del> <b>East</b> property line - fronting on Street 'G'
Lot 84 <b>83</b>	South property line - fronting 'J Avenue'
Lot 89 <b>88</b>	South property line - fronting 'J Avenue'
Lot 90 <b>91</b>	<del>North</del> <b>West</b> property line - fronting Street 'N'
Lot 92	<del>South</del> <b>East</b> property line - fronting Street 'N' <b>'M'</b>
Lot 93 <b>95</b>	East <b>or West</b> property line - fronting Street 'M' <b>or 'K'</b>
Lot 96	<del>South</del> <b>West</b> property line - fronting Street 'M' <b>'K'</b>
<del>Lot 97</del>	<del>South property line - fronting Street 'K'</del>
<del>Lot 136</del>	<del>South property line - fronting Street 'K'</del>
<del>Lot 172</del>	<del>North property line - fronting Street "N"</del>

Lot 176	<del>North property line - fronting Street "N"</del>
<b><u>Lot 170</u></b>	<b><u>North property line - fronting Street "N"</u></b>
<b><u>Lot 174</u></b>	<b><u>North property line - fronting Street "N"</u></b>
<b><u>Lot 175</u></b>	<b><u>East property line - fronting Street 'O'</u></b>
<b><u>Lot 177</u></b>	<b><u>North property line - fronting Unnamed Street</u></b>
<b><u>Lot 178</u></b>	<b><u>South property line - fronting Street 'P'</u></b>
<b><u>Lot 179</u></b>	<b><u>South property line - fronting Street 'P'</u></b>
<b><u>Lot 181</u></b>	<b><u>South property line - fronting 'P Avenue'</u></b>
Lot 182	South property line - fronting 'P Avenue'
<b><u>Lot 192</u></b>	<b><u>North property line - fronting Street 'P'</u></b>
<b><u>Lot 193</u></b>	<b><u>East property line - fronting Street 'O'</u></b>
<b><u>Lot 197</u></b>	<b><u>South property line - fronting 'Q Avenue'</u></b>
Lot 184	<del>South property line - fronting 'P Avenue'</del>
Lot 185	<del>South property line - fronting 'P Avenue'</del>
Lot 195	<del>North property line - fronting 'P Avenue'</del>
Lot 196	<del>East property line - fronting Street 'Q'</del>

Lots 3, 95-102 and 203-209 are double frontage lots. These lots abut a local street and a higher classification street (ie. Collector or Arterial), therefore the lots are required to take access to the local (interior) street, designated below:

<b>Double Frontage Front Property Line</b>	
Lots 203-209	North property line
Lot 3	West property line

**Condition** - The front property line for Lots 203-209 shall be the north property line and the front property line for Lot 3 shall be the west property line. No access to the higher classified street shall be allowed.

Lots 136-138 are flag lots. SRC 800.020(a)(4) sets forth that, unless otherwise provided by the Planning Administrator, the front lot line for a flag lot shall be the outside property line that is an extension of the flag lot accessway or the property line separating the flag portion of the lot from the lot between it and the street. Each lot meets the applicable lot dimensions if either the north or east property lines are designated as the front property line. Therefore, the front property line for both lots will be designated by the building permit applicant.

There are several lots that have rear property lines that abut the flag lot accessway. If these lots took access to the proposed flag lot accessway, it would exceed the number of users allowed on an accessway. Therefore, the following condition applies:

**Condition** - Lots 144-147 shall take access from Street 'M' and the south property line is the designated the front property line.

Subsection (c) establishes standards for flag lots and flag lot accessways. Pursuant to SRC Chapter 800, Table 800-1, flag lot accessways serving 1 to 2 lots



must be a minimum of 20 feet in overall width and must be paved to a minimum width of 15 feet. Plans submitted by the applicant show a 25-foot-wide access easement on Lot 137, exceeding the standard set forth in subsection (c) and providing sufficient width for the required 15-foot-wide paved improvement. The flag lot accessway is large enough to serve 3-4 lot, if paved to a 20-foot width and could be used to serve Lot 136. The applicant has indicated that Lot 138 will be dedicated to the City for Coburn Reservoir, which requires the access to be paved to 20-feet. To ensure the accessway is adequately paved prior to plat the following condition applies:

**Condition** - Paved width of accessway shall be 20-feet wide within a minimum of a 25-foot wide easement.

Subsection (d) prohibits parking on flag lot accessways. In order to ensure that resident and emergency access remains unobstructed, the following condition shall apply:

**Condition** - "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

Subsection (e) limits the maximum number of flag lots within a subdivision to 15 percent of the proposed lots. The proposed subdivision includes two flag lots (Lots 138 and 139), or less than one percent of the total proposed lots, therefore meeting the standard provided in SRC 800.025(e).

SRC Chapter 602 (Airport Overlay Zone):

The property is within the "Horizontal Surface" section of the Airport Overlay zone. Within the Horizontal Surface portion of the overlay, no building, structure, object, or vegetative growth shall have a height greater than that established by a horizontal plane of 150 feet above the airport elevation. The maximum height for structures within the RS (Single Family Residential) zone is 35 feet. The Salem Airport elevation is 210 feet above sea level. The highest elevation on the subject property is approximately 424 feet, which exceeds the 150-foot elevation limit within the "Horizontal Surface" overlay for the airport. Pursuant to SRC 602.025, an Airport Overlay Zone height variance is required to erect or increase the height in excess of the height limitations listed above. Each structure within the proposed subdivision will exceed the allowable elevation within the "Horizontal Surface", for that reason the following condition shall apply:

**Condition** - Prior to the issuance of building permits, the subject property shall have a favorable Airport Overlay zone height variance.

**(B) City Infrastructure Standards.**

The Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to provision of water, sewer, and storm

drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative subdivision plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

**SRC Chapter 71 (Stormwater):** The proposed subdivision is subject to the stormwater requirements of SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004. To demonstrate that the proposed parcels can meet the PWDS, the applicant shall provide an engineered tentative stormwater design to accommodate future impervious surface on all lots. Since, the applicant's engineer has not submitted a preliminary design report that demonstrates compliance with PWDS. Prior to final plat of all subdivision phases, the applicant shall provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.

**Condition** – Prior to final plat, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.

**SRC Chapter 200 (Urban Growth Management):** The Urban Growth Management Program, detailed in SRC Chapter 200, requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to subdivision of property outside of the Salem Urban Service Area. The subject property is located outside the Urban Service Area and an application for an Urban Growth Preliminary Declaration for the subject property is included as part of the consolidated application. As indicated by the Public Works Department, water, sewer, and stormwater infrastructure is available to serve the proposed development, subject to the requirements listed in the Urban Growth Preliminary Declaration. Pursuant to SRC 200.025(e), the developer must construct these improvements as a condition of approval for the tentative subdivision plan.

Subject to the conditions of approval of the corresponding Urban Growth Preliminary Declaration, the proposal meets the requirements of SRC Chapter 200. The current application includes a modification to UGA17-03 and is addressed below.

**SRC Chapter 802 (Public Improvements):** Comments from the Public Works Department indicate that water and sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the proposed subdivision. Specifications for required public improvements are summarized in the Public Works Department memo dated October 28, 2019 (Attachment D).

SRC 802.015 requires development to be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards. The Schematic Utility Plan included in the proposal shows that each individual lot can be served by City utilities designed

and constructed according to the applicable provisions of the SRC and PWDS. In order to ensure that appropriate public infrastructure is provided to each of the new lots created by the subdivision and extended to adjacent upstream parcels.

SRC Chapter 803 (Streets and Right-of-Way Improvements):

*SRC 803.015 (Traffic Impact Analysis):* The proposed 209-lot subdivision will generate more than 1,000 average daily vehicle trips to the abutting streets, designated in the Transportation System Plan as Minor Arterials, Collector and Parkway streets. A Transportation Impact Analysis (TIA) is required as part of the review of the tentative subdivision plan. The applicant submitted a TIA from Associated Transportation Engineering and Planning, Inc on June 20, 2018. The TIA requires turn lanes to be constructed at the Reed Road /Battle Creek Road intersection. No other mitigation is recommended. The Assistant City Traffic Engineer has determined that additional mitigation measures are necessary based on the volume of traffic being generated by the development.

Based on the TIA data, the applicant shall be required to construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS and acquire and/or convey land for dedication of right-of-way as needed to construct the improvements. The new intersection shall include a westbound to southbound left turn lane on Reed Road SE, a southbound to eastbound left turn lane on Battle Creek Road SE, a northbound to eastbound right turn lane on Battle Creek Road SE, and a pedestrian island on Battle Creek Road SE along the south side of the intersection. The reconstruction and alignment of the intersection is needed to provide safe turning movement on to Reed Road SE for the additional 209 dwellings.

A future signal will be warranted in the future at the Reed/Battle Creek intersection. Based on the TIA, the proposed development will add 32 PM peak hour vehicles to the Reed Road /Battle Creek Road intersection, which is a 3.04 percent increase because the intersection currently has 1,056 vehicles at build-out during the PM peak hour. The applicant is required to pay a temporary access fee of 3.04 percent of the future signal and interconnect cost of \$450,000, or \$13,680.

The following conditions are required to mitigate the traffic impacts:

**Condition** - Pay a temporary access fee of \$13,680 toward the future signal at Battle Creek Road SE and Reed Road SE.

*SRC 803.020 (Public and Private Streets):* The applicant proposes for all internal streets within the subdivision to be public streets.

*SRC 803.025 (Right-of-Way and Pavement Widths):* Reed Road SE and Battle Creek Road SE are designated as a Minor Arterial street in the TSP. Reed Road SE abuts the northwestern boundary of the subject property and Battle Creek Road SE the southern property line. Currently, Battle Creek Road SE and Reed Road SE do not meet Minor Arterial standards. The applicant will be required to convey for dedication half-width right-of-way equal to 36 feet from center line and

construct a half-street improvement along the entire frontage to a Minor Arterial standard. A realignment of the Reed/Battle Creek intersection is warranted because the intersection angle does not meet Public Works Design Standards.

Traffic Engineering Staff reviewed the Traffic Impact Analysis and determined that the street improvement shall include a westbound to southbound left turn lane on Reed Road SE, a southbound to eastbound left turn lane on Battle Creek Road SE, a northbound to eastbound right turn lane on Battle Creek Road SE, and a pedestrian island on Battle Creek Road SE along the south side of the intersection to mitigate impacts. The Urban Growth Preliminary Declaration Permit 17-03 (UGA permit) and modification below identified the abutting streets as a requirement. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050.

The Urban Growth Preliminary Declaration (UGA17-03), the applicant proposed a neighborhood park within the development along Reed Road SE. Neighborhood parks are generally located on local streets. Neighborhood park standards do not generally include a separate parking lot, but instead are served by on-street parking. The standard minor arterial street section includes bike lanes, but not parking. Therefore, the applicant is required to provide on-street parking along Reed Road SE in order to provide safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas to neighborhood activity centers within one-half mile of the development.

**Condition** - Construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS. Acquire and/or convey land for dedication of right-of-way as needed to construct the improvements. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. The intersection shall include:

- A westbound to southbound left turn lane on Reed Road SE;
- A southbound to eastbound left turn lane on Battle Creek Road SE;
- A northbound to eastbound right turn lane on Battle Creek Road SE; and
- A pedestrian island on Battle Creek Road SE along the south side of the intersection. (UGA17-03;1)

**Condition** - Construct Battle Creek Road from Reed Road to the southern edge of Segment I to a 23-foot-wide half street improvement to Minor Arterial standards within a minimum 36-foot-wide half-width right-of-way. (UGA17-03;1)

**Condition** - Construct Reed Road SE from Battle Creek Road SE to the north line of the subject property, at a minimum 23-foot-wide half street improvement to Minor Arterial standards within a minimum 36-foot-wide half-width right-of-way. The improvements shall include on-street parking and tapers. (UGA17-03;1)

**Condition** - Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the entire frontage of Strong Road SE.

**Condition** - Construct a 15-foot-wide half-street improvement on the development of centerline and a 15-foot-wide pavement widening on the opposite side of centerline along Strong Road SE.

The applicant is proposing an alternative street standard to increase the street grade from 12% to 15% for five street intervals and 52-foot right-of-way, where 60-feet is required. Due to the slope in the general vicinity of Streets K, M and N an alternative street standard to exceed 12% grade for short runs (less than 120 feet) is warranted. The proposed streets exceed the maximum 600-foot block length and provide a 52-foot wide right-of-way where a 60-foot is required.

**Condition** – All streets within the proposed subdivision shall meet 12 percent grade; with the exception of the five street sections, identified on the proposed tentative plan, which shall not exceed 15 percent.

The applicant is proposing mid-block pedestrian access from K Street to the proposed park abutting Reed Road SE. Due to the slope in the area and with the mid-block pedestrian access the applicant is meeting the intent of SRC 803.030(a) with a pedestrian only access. To ensure the intent of the standard is met the following condition applies:

**Condition** - The applicant shall provide mid-block pedestrian access as shown on the tentative subdivision plan, which shall be dedicated to the public.

Construct internal streets to Local street standards, including property-line sidewalks and installation of street trees. Portions of future streets K, M, and N (as shown on the Slope Exception Areas plan) are approved as an alternative street standard pursuant to SRC 803.065 with required right-of-way width to equal 52 feet and a 4-foot-wide planter strip to accommodate street trees. The remainder of the subdivision streets meet street standards.

**Condition** - Proposed Streets K, M and N shall be a minimum of 52-feet in width, which includes a four-foot planter to accommodate street trees and sidewalks adjacent to one foot from property line. All other streets shall meet local street standards.

Pursuant to SRC 803.065(a)(3), the Director may authorize the use of one or more alternate street standards where topography or other conditions make the construction that conforms to the standards impossible or undesirable. All internal streets will be constructed to Local Street standards as specified in the Salem TSP, with the exception Street K, M and N. The alternative street standards are approved as conditioned above and shown in the application. In addition, the property has several existing trees within the current right-of-way (Reed Road, Battle Creek Road and Strong Road), which will be preserved to the greatest extent possible as part of the boundary street improvements. An alternative street standard for the meandering of the future sidewalk along each boundary street is approved to accommodate the preservation of trees.

As conditioned, the proposal meets this requirement.

*SRC 803.030 (Street Spacing):* The applicant proposed mid-block pedestrian access from K Street to the proposed park abutting Reed Road SE. Due to the slope in the area and with the mid-block pedestrian access the applicant is meeting the intent of SRC 803.030(a). As conditioned above, an alternative street standard is approved. The remainder of the subdivision meets SRC 803.030.

*SRC 803.035 (Street Standards):* Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. Subsection (a) requires streets within the subdivision to provide connectivity to existing streets and undeveloped properties within the vicinity of the subject property. The subject property abuts vacant land to the north, south and east. The subdivision plan proposes to provide street connectivity to all adjacent properties, with a series of internal streets providing connectivity within the subject property.

As conditioned, the proposal meets the requirements of subsection (f). Pursuant to subsection (n), public utility easements (PUEs) may be required for all streets. Comments from Portland General Electric, the franchise utility provider of electricity for the subject property, request a 10-foot-wide PUE on all street front lots. In order to ensure adequate access for the provision of electricity and other utilities, the following condition shall apply:

**Condition** - Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of all abutting and internal streets.

As conditioned, the proposal conforms to applicable street standards.

*SRC 803.040 (Boundary Streets):* Reed Road SE and Battle Creek Road SE are designated as a Minor Arterial street in the TSP. Reed Road SE abuts the northwestern boundary of the subject property and Battle Creek Road SE the southern property line. Currently, Battle Creek Road SE and Reed Road SE do not meet Minor Arterial standards. The applicant will be required to convey for dedication half-width right-of-way equal to 36 feet from center line and construct a half-street improvement along the entire frontage to a Minor Arterial standard. A realignment of the Reed/Battle Creek intersection is warranted because the intersection angle does not meet PWDS.

This street improvement shall include a westbound to southbound left turn lane on Reed Road SE, a southbound to eastbound left turn lane on Battle Creek Road SE, a northbound to eastbound right turn lane on Battle Creek Road SE, and a pedestrian island on Battle Creek Road SE along the south side of the intersection. The Urban Growth Preliminary Declaration Permit 17-03 (UGA permit) and modification below identified the abutting streets as a requirement. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050.

As conditioned, the proposal conforms to applicable boundary street requirements.

**(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.**

SRC Chapter 808 (Preservation of Trees and Vegetation): The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (*including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater*), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Under the City's tree preservation ordinance, pursuant to SRC 808.035(a), tree conservation plans are required in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees.

The applicant submitted a Tree Conservation Plan in conjunction with the proposed subdivision identifying a total of 184 trees on the property, ten of which are significant oaks. The 184 total trees do not include any trees on lot 82, which is zoned PH (Public and Private Health Services) and is not subject to the requirements for a Tree Conservation Plan. There are no heritage trees or riparian corridor trees and vegetation located on the property.

The applicant is not proposing to remove any trees on Lot 82. The Tree Conservation Plan for the remainder of the subdivision identifies 47 trees (25.5%) for preservation and 137 trees (74.5%) for removal.

Of the 137 trees proposed for removal, seven are significant oaks which the applicant has identified for removal based on their location within either the future building envelopes of lots (*applicable to one of the seven significant oaks*) or adjacent to required street and/or sidewalk improvements (*applicable to six of the seven significant oaks*).

Staff determined that the significant oak located on Lot 68 is not located within a building setback and can be preserved. In addition, two significant trees would be located within the future right-of-way and may be able to be preserved with the above alternative street standard to meander the sidewalk. A 32" significant oak tree near the new right of way of Strong Road, adjacent to Lot 3 shall be preserved as a future street tree and any future removal analyzed pursuant to SRC 86. The applicant is proposing to save a 24" significant oak tree adjacent to the proposed park. Oregon White Oak trees are more likely to survive when clustered with others, therefore, staff finds that the two oak trees (32" significant oak and 10" oak) adjacent to the proposed preserved tree may should be preserved. The three trees

adjacent to the proposed park, along Reed Road shall be considered future street trees and any future removal shall be analyzed pursuant to SRC 86.

**Condition** - Prior to issuance of public construction permits, a tree preservation and protection plan pursuant to SRC Chapter 86 and Salem Administrative Rule 109-500, and signed by a certified arborist, shall be submitted for the identified preserved "Future Street Trees" (32" Oak, 10" Oak and 24" Oak along Reed Road & 32" Oak along Strong), to the City for review. Future Street Trees, identified above, shall be preserved. Any proposed removal of identified Future Street Trees (listed above) would require a separate removal permit pursuant to SRC 86.090.

**Condition** – The significant oak located on Lot 68 and the two 40-inch Fir trees near Strong Road shall be preserved.

The modified tree conservation plan preserves 25.5 percent of the existing trees on the property and designating four trees as future street trees, therefore exceeding the minimum 25 percent preservation requirement under SRC Chapter 808. In addition, though four of the ten existing significant oaks on the property are to be removed, their removal is necessary because of no reasonable design alternatives that would enable their preservation. The tree conservation plan is being reviewed by staff and, if approved, will be binding on the lots until final occupancy is granted for the construction of dwelling units on the lots.

In addition to the trees located on the subject property, there are also trees located within the existing right-of-way along Battle Creek Road, Reed Road and Strong Road. Pursuant to the tree preservation ordinance (SRC Chapter 808), tree conservation plans are required to identify and preserve the minimum required number of trees on the property. Because there are trees located within the existing right-of-way's which are not located on the property, they are not subject to the provisions of SRC Chapter 808 and are not counted toward the total number of trees on the site. These trees are instead considered trees on City owned property and subject to the provisions of SRC Chapter 86. All boundary streets (Reed Road, Battle Creek Road and Strong Road) are approved for an alternative street standard to meander the sidewalk to accommodate for street trees to be preserved. To ensure that the street trees are reviewed under SRC 86, the following condition applies:

**Condition** - Trees proposed for removal that are located within the right-of-way abutting streets shall follow the procedures of SRC Chapter 86.

SRC Chapter 809 (Wetlands): Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.



The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetlands on the site. As proposed, the tentative subdivision plan conforms to all applicable SRC Chapter 809 requirements.

SRC Chapter 810 (Landslide Hazards): City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 Landslide Hazards, there are areas of landslide susceptibility on the subject property. There are 3 mapped site points for the property pursuant to SRC Chapter 810. The proposed subdivision adds three activity points to the proposal, which results in a total of 6 points. Therefore, the proposed subdivision is classified as a moderate landslide risk and requires a geologic assessment. A geologic assessment, prepared by Redmond Geotechnical Services and dated July 20, 2018, was submitted to the City of Salem. This assessment demonstrates the subject property could be subdivided and developed with single-family dwellings, without increasing the potential for slope hazard on the site or adjacent properties.

**SRC 205.010(d)(2): The tentative subdivision plan does not impede the future use or development of the property or adjacent land.**

**Finding:** The subdivision provides suitable lots for development of allowed uses in the RS zone and is generally precluded by existing and planned development from providing street connections to adjacent properties. The proposal is providing access and utilities to surrounding properties. The proposal meets this criterion.

As conditioned, the proposal meets this criterion.

**SRC 205.010(d)(3): Development within the tentative subdivision plan can be adequately served by City infrastructure.**

**Finding:** Water and sewer infrastructure is available along the perimeter of the site or will be brought to the site pursuant to UGA17-03 and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. Conditions of approval require construction of water, sewer, and storm connections to serve each lot, street and cul-de-sac improvements, and dedication of a public utility easement to allow installation and maintenance of private utility infrastructure.

The nearest adequate water main is located in Reed Road SE at Strong Road SE, approximately 2,000 feet north of the subject property. The applicant shall be required to construct a minimum 18-inch S-1 water main from the Reed/Strong intersection through the subject property to Strong Road at Section A and to the Coburn Reservoir site. A 12-inch main is required from J Avenue SE in Section E to N Avenue in Section I. The proposal is located within two water service levels and to ensure adequate mains are extended to adequately serve the property and properties abutting the following condition applies:

**Condition** - All lots within the S-1 service level shall be served by S-1 water mains, and all lots within the S-2 service level shall be served by S-2 water mains. Water mains may need to be extended through future unconstructed phases within temporary easements in order to serve all lots in each phase.

The Water System Master Plan specifies that the subject property is to be served by the future Coburn Reservoir and future Boone Road S-1 pump station. The subject property surrounds the site of the future Coburn Reservoir (tax lots 083W12C / 701 and 083W11D / 101). The existing reservoir site does not provide two acres of land needed for construction of the reservoir. As previously identified in UGA17-03, the applicant shall be required to convey lot 138 for future construction of Coburn Reservoir.

Temporary capacity is available in the Mill Creek Reservoir and Deer Park Pump Station through payment of a temporary access fee pursuant to SRC 200.080(a). In lieu of constructing Coburn Reservoir and Boone Road Pump Station, the applicant has the option of paying a temporary access fee. The temporary access fee for this area of the S-1 service area is based on approximately 13 million dollars of improvements needed to serve 1,300 acres, totaling \$10,000 per acre.

The S-1 area of the subject property is 43 acres, resulting in a temporary access fee of \$430,000. The temporary access fee shall be reduced by the market value of the land conveyed for Coburn Reservoir and by the certified cost of the non-reimbursed off-site portion of the water main needed to serve the proposed development. If the land value and certified costs exceed \$430,000, then the temporary access fee shall be \$0.

Previously approved UGA17-03 required the following:

As a condition of development in the S-1 water service level, the applicant shall:

- ~~a) Reserve property for dedication of an approximately 90 foot by 252 foot area of land abutting the north line of tax lots 083W12C00701 and 083W11D00101 for future construction of Coburn Reservoir.~~
- ~~b) Construct a minimum 18-inch S-1 water main from the terminus of the existing S-1 water main in Marietta Street SE near Fairview Industrial Drive SE to the Coburn Reservoir site.~~
- ~~c) Construct Coburn Reservoir, Boone Road S-1 Pump Station, and S-1 connecting water mains as indicated in the Water System Master Plan; or pay a temporary access fee pursuant to SRC 200.080(a). The temporary access fee shall be \$10,000 per acre of land being developed within the S-1 service area. The TAF is not due for land conveyed to the City. The TAF shall be subtracted by the following, but shall not be~~

- \_\_\_\_\_ less than \$0
- (i) \_\_\_\_\_ the market value of the land conveyed pursuant to Condition 1.a above; and
  - (ii) \_\_\_\_\_ the certified cost of the non-reimbursed off-site portion of the water main constructed pursuant to Condition 1.b above.

As part of the modification request Condition 4 or UGA17-03 is modified to read as follows:

**Condition** - The applicant shall be required to convey lot 138 for future construction of Coburn Reservoir (UGA17-03;4)

Construct a minimum 18-inch water main in one of the following locations:

- i. In Reed Road SE from the north line of the subject property to Strong Road SE; or
- ii. In Strong Road and Marietta Street, from the south line of the subject property to the terminus of the existing S-1 water main in Marietta Street SE near Fairview Industrial Drive SE.

Construct a minimum 18-inch water main from the south line of the subject property along Strong Road SE through the subject property to the north line of the subject property along Reed Road SE. The 18-inch water main shall be extended also to the south line of lot 138.

Construct a minimum 12-inch water main from the intersection of Reed Road SE and future J Street SE to the intersection of Battle Creek SE and future N Street SE.

Construct Coburn Reservoir, Boone Road S-1 Pump Station, and S-1 connecting water mains as indicated in Water System Master Plan; or pay a Temporary Access Fee (TAF) pursuant to SRC 200.080(a). The TAF shall be \$10,000 per acre of land being developed within the S-1 service area. The TAF is not due for land conveyed to the City. The TAF shall be subtracted by the following, but shall not be less than \$0:

- i. the market value of the land conveyed in condition 1a above; and
- ii. the certified cost of the non-reimbursed off-site portion of the water main in condition 1b above. (UGA17-03;4)

All developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. Existing sewer mains in Strong Road SE and Reed Road SE may not be available to serve the northernmost portion of the site (Section D) because of topographic constraints. Proposed lots 57-59 and 74-81 shall connect to the existing sewer mains in, and stormwater facilities abutting, Reed Road SE. Proposed lots 60-73 shall connect to the existing sanitary system and stormwater

facilities in Strong Road SE. If off-site easements are needed and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050.

**Condition** - Lots 57-59 and 74-81 shall connect to the existing sanitary system in Reed Road SE. Lots 60-73 shall connect to the existing sanitary system in Strong Road SE. If off-site easements are needed because of topographic constraints and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. (UGA17-03;2)

**Condition** - Lot 57-59 and 74-81 shall connect to the existing stormwater facilities abutting Reed Road SE. Lots 60-73 shall connect to the existing stormwater facilities in Strong Road SE. If off-site easements are needed because of topographic constraints and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. (UGA17-03;3)

The Public Works Department reviewed the proposal for consistency with the Comprehensive Parks Master Plan Update and is not currently served by park facilities. The Comprehensive Parks System Master Plan shows that a Neighborhood Park (NP 32) and Urban Park (UP 3) are planned on or near the subject property. The applicant shall reserve property for dedication of neighborhood park facility NP-32 based on sizing criteria established in SRC 200.075(b) and as proposed in the application.

**Condition** - Dedicate a neighborhood park facility not less than 6.5 acres in size. (UGA17-03;5)

The City is in contract to purchase a 7.35-acre portion of the subject property for a future park, which would satisfy this condition.

All public and private City infrastructure proposed to be located in the public right-of-way shall be constructed or secured per SRC 205.035(c)(6)(B) prior to final plat approval. Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat.

The proposal meets this criterion.

**SRC 205.010(d)(4): The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.**

**Staff Response:** As conditioned above the proposed street system meets TSP requirements. As proposed and conditioned, the tentative subdivision plan meets this criterion.

**SRC 205.010(d)(5): The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.**

**Staff Response:** As conditioned above, boundary street improvements along the abutting portions of Battle Creek Road, Reed Road and Strong Road are required. In addition to the boundary improvement, internal circulation would be provided by new internal streets. The proposed network of boundary and internal streets serving the subdivision provides direct connections between all lots within the subdivision to the existing street network.

Comments from the Salem Fire Department indicate that all 31 lots proposed for development of single-family residential dwellings are provided with one fire access road. Under the applicable section of the Oregon Fire Code, more than 30 dwellings on a single public or private fire apparatus access road can only be approved under an exception in which all dwelling units are equipped throughout with an approved automatic sprinkler system.

In order to ensure that the subdivision is designed to provide for safe and efficient fire apparatus access, the following condition shall apply:

**Condition** - Demonstrate that the proposed subdivision conforms to the access requirements of the Fire Code by one of the following methods:

- (a) Provide written evidence from the Fire Marshal that the subdivision, as approved, does not exceed the maximum 30 dwelling units allowed to be served by a single fire apparatus road; or
- (b) Provide written approval from the Fire Marshal allowing more than 30 dwelling units to be served by a single fire apparatus road subject to all of the dwelling units within the subdivision being equipped with an automatic sprinkler system; or
- (c) The subdivision so that no more than 30 dwelling units will be served by a single fire apparatus road.

**Condition** - Demonstrate adequate Fire Department turn-arounds prior to final plat of Phase K, H, F and A.

The subdivision, as proposed and conditioned, is served with adequate transportation infrastructure. The street system adjacent to the subdivided property will conform to the Salem Transportation System Plan, and provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

**SRC 205.010(d)(6):** The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

**Finding:** The proposed subdivision is situated within one-half mile of four neighborhood activity centers:

- Pringle Elementary School, a public elementary school located at 5500 Reed Lane SE, approximately one-half mile southwest of the closest lots within the proposed subdivision. Wes Bennett Park, a 4.43-acre neighborhood park located at 2200 Baxter Road SE, abuts the elementary school campus to the north.
- Commercial development located at the intersection of Boone Road SE and Battle Creek Road SE is approximately 1,300 feet west of the closest lots within the proposed subdivision and includes several office and mixed-use buildings.
- A portion of the subject property has received tentative approval to be partitioned for the City to acquire a 7.35-acre parcel, which will be developed at a park.
- Woodscape Linear Park, a 1.7-acre linear park located at 2433 Baxter Road SE, approximately 2,500 feet southwest of the closest lots within the proposed subdivision.
- Lee Elementary School, a public elementary school located at 5650 Venice Avenue SE, approximately one mile south of the closest lots within the proposed subdivision. Lee School Park, a 3.8-acre neighborhood park, abuts the elementary school campus to the north and east.
- Fairview Industrial Area, an employment center located approximately XX miles from the subject property. The area consists of Industrial and Commercial Uses, which provide employment opportunities in the area.
- Fairview Park, a 226.3-acre Community park located at 2200 Block Strong Road SE, approximately 0.30 west of the closest lots within the proposed subdivision.

The subject property is not currently served by park facilities. The Comprehensive Parks System Master Plan shows that a Neighborhood Park (NP 32) and Urban Park (UP 3) are planned on or near the subject property. The applicant shall reserve property for dedication of neighborhood park facility NP-32 based on sizing criteria established in SRC 200.075(b) and as proposed in the application.

As conditioned above, dedication of a neighborhood park facility not less than 6.5 acres in size is required by UGA17-03.

The park facility shall be located along Pringle Creek in the vicinity of Marion County Tax Lot 083W11D / 200. The City is in contract to purchase a 7.35-acre portion of the subject property for a future park, which would satisfy this condition.

The nearest transit service available to the subject property near the corner of Boone Road and Battle Creek Road, by way of Salem Keizer Transit's Route 6 bus line. The existing transit stop would require pedestrian and bicycles to cross Kuebler Blvd, a Parkway, which over a half mile from the subject property. The need for public transportation to serve 209 single family dwelling in addition to the proposed development in the Fairview Master plan may be needed. To ensure public transportation can be provided to the proposed development the following condition applies:

**Condition** - Prior to any plat, the applicant shall coordination with Salem-Keizer Cherriots for a transit stop and provide evidence of the location of a future transit stop or a letter from Salem-Keizer Cherriots that no stop is needed in the vicinity.

There are no sidewalks along portions of the west side of Battle Creek Road SE from Reed Road SE to Forsythe Drive SE. Sidewalk improvements are required to provide safe pedestrian access to the proposed park being developed in conjunction with the proposed development. To ensure a safe connection to the future park proposed by the applicant the following condition applies:

**Condition** - Construct a pedestrian access route along missing sections of sidewalk on the west side of Battle Creek Road SE from Reed Road SE to Forsythe Drive SE.

The proposal meets this criterion.

The subject property will provide internal streets with safe and convenient bicycle and pedestrian access and provide boundary street improvements along the north of the subject property, connecting existing multi-modal transportation facilities with the internal street system of the subdivision. Although the immediate vicinity of the subject property includes sloping topography and large undeveloped properties, existing bicycle and pedestrian access to neighborhood activity centers is safe and convenient. The bicycle and pedestrian network in the vicinity is likely to improve as development occurs on surrounding properties. To ensure safe and convenient access for pedestrians and bicycles the following conditions apply:

**Condition** - Construct multi-modal trails to proposed park as shown on tentative subdivision plan to PWDS Standards.

**SRC 205.010(d)(7): The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.**

**Finding:** The proposed 209-lot subdivision will generate more than 1,000 average daily vehicle trips to the abutting streets, designated in the Transportation System Plan as Minor Arterials, Collector and Parkway streets. A Transportation Impact Analysis (TIA) is required as part of the review of the tentative subdivision plan. The Assistant City Traffic Engineer has determined that additional mitigation measures are necessary based on the volume of traffic being generated by the development.

As conditioned above construction a realignment of the intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS and acquire and/or convey land for dedication of right-of-way as needed to construct the improvements. The new intersection shall include a westbound to southbound left turn lane on Reed Road SE, a southbound to eastbound left turn lane on Battle Creek Road SE, a northbound to eastbound right turn lane on Battle Creek Road SE, and a pedestrian island on Battle Creek Road SE along the south side of the intersection. The reconstruction and alignment of the intersection is needed to provided safe turning movement on to Reed Road SE for the additional 209 dwellings.

A future signal will be warranted in the future at the Reed/Battle Creek intersection. The applicant is required to pay a temporary access fee of 3.04 percent of the future signal and interconnect cost of \$450,000, or \$13,680.

The criterion is met.

**SRC 200.010(d)(8): The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.**

**Finding:** The proposed subdivision has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site. The applicant submitted a tree conservation plan in conjunction with the proposed subdivision identifying a total of 184 trees on the property, seven of which are significant oaks. There are no heritage trees or riparian corridor trees and vegetation located on the property.

Of the 184 total trees existing on the property excluding Lot 82, which is zoned PH (Public and Private Health Services). The applicant is not proposing to remove any trees on Lot 82. The remainder of the subdivision is included in the proposed tree conservation plan identifies 47 trees (25.5%) for preservation and 137 trees (74.5%) for removal. Of the 137 trees proposed for removal, seven are significant oaks which the applicant has identified for removal based on their location within either the future building envelopes of lots (*applicable to two of the seven significant oaks*) or adjacent to required street and/or sidewalk improvements (*applicable to five of the seven significant oaks*).

As described in findings above, the lot and street configuration proposed by the applicant meets applicable development standards without the need for any variances. No existing conditions of topography or vegetation have been identified on the site which would necessitate variances during future development of the property. The layout allows for reasonable development of all lots within the subdivision without variances from the UDC.

The proposal meets this criterion.



**SRC 200.010(d)(9): The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.**

**Staff Response:** There are 3 mapped site points for the property pursuant to SRC Chapter 810. The proposed subdivision adds three activity points to the proposal, which results in a total of 6 points. Therefore, the proposed subdivision is classified as a moderate landslide risk and requires a geologic assessment. A geologic assessment, prepared by Redmond Geotechnical Services and dated July 20, 2018, was submitted to the City of Salem. This assessment demonstrates the subject property could be subdivided and developed with single-family dwellings, without increasing the potential for slope hazard on the site or adjacent properties.

The streets and lots within the proposed subdivision have been arranged to preserve the natural topography and vegetation of the site to the maximum extent possible.

The proposal meets this criterion.

**SRC 200.010(d)(10): When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.**

**Finding:** The subject property is located outside of the Urban Service Area. To assure that major public facilities such as sewers, water, and streets are provided to the proposed site in accordance with the Salem Urban Growth Management Program, an Urban Growth Preliminary Declaration is required prior to development of the subject property. The site has previously received an Urban Growth Preliminary Declaration (UGA17-03) which is proposed to be modified as part of this decision. The tentative subdivision plan has been designed in a manner that ensures that the conditions requiring construction of on-site infrastructure in the approved Urban Growth Preliminary Declaration will occur.

**SRC 205.015(d)(2): Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.**

**Applicant Statement:** Due to topography and the location of the S1 Water Service, the applicant requests that the City of Salem condition the subdivision approval to allow Phases/Sections to be developed out of sequence. Below is the anticipated order of development for the proposed Phases/Sections. However, we would like the flexibility to develop in any logical order.

Section E: 16 lots  
Section G: 21 lots  
Section I: 18 lots  
Section J: 17 lots  
Section F: 15 lots  
Section H: 25 lots  
Section K: 15 lots  
Section A: 24 lots  
Section D: 25 lots  
Section B: 17 lots  
Section C: 15 lots

**Staff Response:** The phasing above allows for a configuration of the proposed internal street system will allow public streets and utilities within street rights-of-way to be extended from each phase in a logical and efficient manner. To ensure the phasing is orderly and efficient the following condition applies:

**Condition -** The subdivision shall be phased in the following order:

Section E: 16 lots  
Section G: 22 lots  
Section I: 18 lots  
Section J: 17 lots  
Section F: 15 lots  
Section H: 25 lots  
Section K: 15 lots  
Section A: 24 lots  
Section D: 25 lots  
Section B: 17 lots  
Section C: 15 lots

The previous Urban Growth Preliminary Declaration permit required construction of Coburn Reservoir and Boone Road Pump Station.

Since the Coburn Reservoir and Boone Road Pump station is not built and there is temporary capacity is available in the Mill Creek Reservoir and Deer Park Pump Station the applicant can pay a temporary access fee pursuant to SRC 200.080(a), in lieu of constructing Coburn Reservoir and Boone Road Pump Station. The temporary access fee (TAF) for this area of the S-1 service area is based on approximately nine million dollars of improvements needed to serve 750 acres of undeveloped land, totaling \$12,000 per acre. The total S-1 area for the subject property is 31 acres, therefore the TAF shall be a total of \$372,000. The TAF has been apportioned to each section based on the number of lots being created in the S-1 area as shown in the following table:

Section	S-1 Lots	Percentage	TAF Amount
E	19	11.7	\$43,362
G	23	14.1	\$52,491
I	19	11.7	\$43,362

J	0	0	\$0
F	12	7.4	\$27,387
H	5	3.1	\$11,411
K	0	0	\$0
A	26	16.0	\$59,337
D	25	15.3	\$57,055
B	17	10.4	\$38,798
C	17	10.4	\$38,798

As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. Existing sewer mains in Strong Road SE and Reed Road SE may not be available to serve the northernmost portion of the site (Section D) because of topographic constraints. If off-site easements are needed and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050.

**SRC 205.015(d)(3): Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.**

**Staff Response:** The proposed phasing boundaries provide that each phase as platted in the order conditioned above will function as a standalone subdivision, while retaining logical connections to future development of the remaining phases. The conditions listed above are required based on phasing of the development, to ensure that each phase is substantially and functionally self-contained. The conditioned street improvements between Section E and G cause a deficiency near the proposed park for pedestrian access and safety. The need for a pedestrian path is needed between J Avenue and the intersection of Battle Creek Road and Reed Road. The lack of sidewalks after the reconstruction of the intersection will force pedestrians to walk within the travel lands of Reed Road. The following condition is needed to ensure each phase is functionally self-contained and sustaining:

**Condition –** Prior to plat of Section E, a temporary pedestrian access route, at least 5-feet in width, shall be provided from sidewalks along J Avenue to the intersection of Reed Road and Battle Creek Road.

Based on the proposed phasing the following is the timing of each condition apply:

**Prior to final any subdivision plat:**

**Condition 1 -** The front property lines are designated below:

Corner Lot	Front Property Line
Lot 1	West property line - fronting on Street 'B'
Lot 2	West property line - fronting on Street 'B'
<b><u>Lot 4</u></b>	<b><u>South property line - fronting on Street 'C'</u></b>
Lot 5	South property line - fronting on Street 'B'

Lot 20	North property line - fronting on 'C Avenue'
Lot 22	North property line - fronting on 'C Avenue'
Lot 52 <b><u>57</u></b>	North property line - fronting 'I Avenue'
Lot 53 <b><u>77</u></b>	North property line - fronting 'I Avenue'
Lot 58	South property line - fronting on 'I Avenue'
Lot 59	North property line - fronting on 'E Avenue'
Lot 60	North <b><u>South</u></b> property line - fronting on Street 'C' <b><u>E'</u></b>
Lot 61	South <b><u>North</u></b> property line - fronting Street 'E' <b><u>C'</u></b>
Lot 70	East property line - fronting Street 'G'
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Lot 92	South <b><u>East</u></b> property line - fronting Street 'N' <b><u>M'</u></b>
Lot 93 <b><u>95</u></b>	East <b><u>or West</u></b> property line - fronting Street 'M' <b><u>or K'</u></b>
Lot 96	South <b><u>West</u></b> property line - fronting Street 'M' <b><u>K'</u></b>
Lot 97	South property line - fronting Street 'K'
Lot 136	South property line - fronting Street 'K'
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Lot 176	North property line - fronting Street "N"
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Lot 182	South property line - fronting 'P Avenue'
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<b><u>Lot 197</u></b>	<b><u>South property line - fronting 'Q Avenue'</u></b>
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Lot 185	South property line - fronting 'P Avenue'
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Lot 196	East property line - fronting Street 'Q'

**Condition 2** - The front property line for Lots 203-209 shall be the north property line and the front property line for Lot 3 shall be the west property line. No access to the higher classified street shall be allowed.

**Condition 3** - Lots 144-147 shall take access from Street 'M' and the south property line is the designated the front property line.

**Condition 4** - Prior to the issuance of building permits, the subject property shall have a favorable Airport Overlay zone height variance.

**Condition 5** - Prior to final plat, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets, without the need for Design Exceptions.

**Condition 6** - All streets within the proposed subdivision shall meet 12 percent grade; with the exception of the five street sections, identified on the proposed tentative plan, which shall not exceed 15 percent.

**Conditions 7** - The applicant shall provide mid-block pedestrian access as shown on the tentative subdivision plan.

**Condition 8** - Proposed Streets K, M and N shall be a minimum of 52-feet in width, which includes a four-foot planter to accommodate street trees and sidewalks adjacent to one foot from property line. All other streets shall meet local street standards.

**Condition 9** - Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of all abutting and internal streets.

**Condition 10** - Prior to issuance of public construction permits, a tree preservation and protection plan pursuant to SRC Chapter 86 and Salem Administrative Rule 109-500, and signed by a certified arborist, shall be submitted for the identified preserved "Future Street Trees" (32" Oak, 10" Oak and 24" Oak along Reed Road & 32" Oak along Strong), to the City for review. Future Street Trees, identified above, shall be preserved. Any proposed removal of identified Future Street Trees (listed above) would require a separate removal permit pursuant to SRC 86.090.

**Condition 11** - The significant oak located on Lot 68 and the two 40-inch Fir trees near Strong Road shall be preserved.

**Condition 12** - Trees proposed for removal that are located within the right of way abutting streets shall follow the procedures of SRC Chapter 86.

**Condition 13** - All lots within the S-1 service level shall be served by S-1 water mains, and all lots within the S-2 service level shall be served by S-2 water mains. Water mains may need to be extended through future unconstructed phases within temporary easements in order to serve all lots in each phase.

**Condition 14** - Construct Coburn Reservoir, Boone Road S-1 Pump Station, and S-1 connecting water mains as indicated in Water System Master Plan; or pay a Temporary Access Fee (TAF) pursuant to SRC 200.080(a). The TAF shall be \$10,000 per acre of land being developed within the S-1 service area as proportional payments within each section as specified below. The TAF shall be subtracted by the market value of lot 138 but shall not be less than \$0. (UGA17-03;4)

**Condition 15** - Dedicate a neighborhood park facility not less than 6.5 acres in size. (UGA17-03;5)

**Condition 16** - Demonstrate that the proposed subdivision conforms to the access requirements of the Fire Code by one of the following methods:

- (a) Provide written evidence from the Fire Marshal that the subdivision, as approved, does not exceed the maximum 30 dwelling units allowed to be served by a single fire apparatus road; or
- (b) Provide written approval from the Fire Marshal allowing more than 30 dwelling units to be served by a single fire apparatus road subject to all of the dwelling units within the subdivision being equipped with an automatic sprinkler system; or
- (c) The subdivision so that no more than 30 dwelling units will be served by a single fire apparatus road.

**Condition 17** - Demonstrate adequate Fire Department turn-arounds prior to final plat of Phase K, H, F and A.

**Condition 18** - Prior to any plat, the applicant shall coordination with Salem-Keizer Cherriots for a transit stop and provide evidence of the location of a future transit stop or a letter from Salem-Keizer Cherriots that no stop is needed in the vicinity.

**Condition 19** - The subdivision shall be phased in the following order:

Section E: 16 lots  
Section G: 22 lots  
Section I: 18 lots  
Section J: 17 lots  
Section F: 15 lots  
Section H: 25 lots  
Section K: 15 lots  
Section A: 24 lots  
Section D: 25 lots  
Section B: 17 lots  
Section C: 15 lots

**Prior to plat of Section E:**

**Condition 20** - Construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS. Acquire and/or convey land for dedication of right-of-way as needed to construct the improvements. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. The intersection shall include:

- A westbound to southbound left turn lane on Reed Road SE;

- A southbound to eastbound left turn lane on Battle Creek Road SE;
- A northbound to eastbound right turn lane on Battle Creek Road SE; and
- A pedestrian island on Battle Creek Road SE along the south side of the intersection. (UGA17-03;1)

**Condition 21** - Construct a minimum 18-inch S-1 water main in Reed Road SE from Strong Road SE to J Avenue SE. (UGA17-03;4)

**Condition 22** - Construct a minimum 18-inch S-1 water main in J Avenue SE from Reed Road SE to H Street SE, and in H Street SE from the south line of Section E to the north line of Section E. (UGA17-03;4)

**Condition 23** - Pay \$43,362 as the proportional amount of the water TAF. (UGA17-03;4)

**Condition 24** – A temporary pedestrian access route, at least 5-feet in width, shall be provided from sidewalks along J Avenue to the intersection of Reed Road and Battle Creek Road.

**Prior to plat of Section G:**

**Condition 25** - Construct Reed Road SE from Battle Creek Road SE to the north line of the subject property, at a minimum 23-foot-wide half street improvement to Minor Arterial standards within a minimum 36-foot-wide half-width right-of-way. The improvements shall include on-street parking and tapers. (UGA17-03;1)

**Condition 26** - Pay \$52,491 as the proportional amount of the water TAF. (UGA17-03;4)

**Condition 27** - Construct multi-modal trails to proposed park as shown on tentative subdivision plan to PWDS Standards.

**Prior to plat of Section I:**

**Condition 28** - Construct Battle Creek Road from Reed Road to the southern edge of Segment I to a 23-foot-wide half street improvement to Minor Arterial standards within a minimum 36-foot-wide half-width right-of-way. (UGA17-03;1)

**Condition 29** - Construct a minimum 12-inch S-1 water main in Reed Road SE from J Avenue SE to Battle Creek Road SE, and in Battle Creek Road SE from Reed Road SE to N Street SE. (UGA17-03;4)

**Condition 30** - Pay \$43,362 as the proportional amount of the water TAF. (UGA17-03;4)

**Prior to plat of Section J:**

**Condition 31** - Pay a temporary access fee of \$13,680 toward the future signal at Battle Creek Road SE and Reed Road SE.

**Condition 32** - Construct a pedestrian access route along missing sections of sidewalk on the west side of Battle Creek Road SE from Reed Road SE to Forsythe Drive SE.

**Prior to plat of Section F:**

**Condition 33** - Construct a minimum 18-inch S-1 water main in K Street SE from the north line to the south line of Section F. (UGA17-03;4)

**Condition 34** - Pay \$27,387 as the proportional amount of the water TAF. (UGA17-03;4)

**Prior to plat of Section H:**

**Condition 35** - Paved width of accessway shall be 20-feet within a 25-foot wide easement, which serves Lots 131, 132 and the future Coburn Reservoir (Lot 130).

**Condition 36** - "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

**Condition 37** - Convey lot 138 to the City for future construction of Coburn Reservoir. (UGA17-03;4)

**Condition 38** - Construct a minimum 18-inch S-1 water main in K Street SE from the north line of Section H to the south line of lot 138. (UGA17-03;4)

**Condition 39** - Pay \$11,411 as the proportional amount of the water TAF. (UGA17- 03;4)

**Prior to plat of Section A:**

**Condition 40** - Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the entire frontage of Strong Road SE.

**Condition 41** - Construct a 15-foot-wide half-street improvement on the development of centerline and a 15-foot-wide pavement widening on the opposite side of centerline along Strong Road SE.

**Condition 42** - Construct a minimum 18-inch S-1 water main within Sections A and D from H Street SE at the south line of Section D to Strong Road SE at the south line of Section A. Design City infrastructure improvements needed for Section D in sufficient detail to determine that the water main construction meets PWDS. Construct a temporary utility and emergency access road along the water main alignment. (UGA17-03;4)



**Condition 43** - Pay \$59,377 as the proportional amount of the water TAF.  
(UGA17-03;4)

**Prior to plat of Section D:**

**Condition 44** - Pay \$57,055 as the proportional amount of the water TAF.  
(UGA17-03;4)

**Condition 45** - Lots 57-59 and 74-81 shall connect to the existing sanitary system in Reed Road SE. Lots 60-73 shall connect to the existing sanitary system in Strong Road SE. If off-site easements are needed because of topographic constraints and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. (UGA17-03;2)

**Condition 46** - Lot 57-59 and 74-81 shall connect to the existing stormwater facilities abutting Reed Road SE. Lots 60-73 shall connect to the existing stormwater facilities in Strong Road SE. If off-site easements are needed because of topographic constraints and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. (UGA17-03;3)

**Prior to plat of Section B:**

**Condition 47** - Pay \$38,798 as the proportional amount of the water TAF.  
(UGA17-03;4)

**Prior to plat of Section C:**

**Condition 48** - Pay \$38,798 as the proportional amount of the water TAF.  
(UGA17-03;4)

**SRC 205.015(d)(4): Each phase is designed in such a matter that all phases support the infrastructure requirements for the phased subdivision as a whole.**

**Staff Response:** The proposed configuration of lots and streets within each phase, as conditioned above, are designed to provide for efficient connection of utilities and other infrastructure. The design with phasing conditioned above, will support the orderly and efficient extension of utilities to remaining phases effectively ensures that infrastructure requirements are supported for the phased subdivision as a whole.

The proposal meets this criterion.

As proposed and conditioned, the tentative phased subdivision plan meets all applicable approval criterion contained in SRC Chapter 205.

**7. Analysis of Amendment (modification) to Urban Growth Preliminary Declaration Criteria**

SRC Chapter 200.030(d) provides that an applicant for a amendment to an Urban Growth Preliminary Declaration shall be granted if:

- (1) A change in the circumstances has occurred which has the effect of making the list of required public facilities inappropriate or inadequate.
- (2) The proposed amendment does not simply reduce the developer's costs by shifting construction to later phases or to another developer or the public, unless the benefits received by such other developer and the public are significantly increased.
- (3) The change does not result in a development that does not otherwise meet all requirements of this chapter.

**Finding:**

The Water System Master Plan specifies that the subject property is to be served by the future Coburn Reservoir and future Boone Road S-1 pump station. The subject property surrounds the site of the future Coburn Reservoir (tax lots 083W12C00701 and 083W11D00101). The existing reservoir site does not provide two acres of land needed for construction of the reservoir. Therefore, the applicant shall be required to convey lot 138 for future construction of Coburn Reservoir. Previously approved UGA17-03 required the following:

As a condition of development in the S-1 water service level, the applicant shall:

- a) Reserve property for dedication of an approximately 90 foot by 252 foot area of land abutting the north line of tax lots 083W12C00701 and 083W11D00101 for future construction of Coburn Reservoir.
- b) Construct a minimum 18-inch S-1 water main from the terminus of the existing S-1 water main in Marietta Street SE near Fairview Industrial Drive SE to the Coburn Reservoir site.
- c) Construct Coburn Reservoir, Boone Road S-1 Pump Station, and S-1 connecting water mains as indicated in the Water System Master Plan; or pay a temporary access fee pursuant to SRC 200.080(a). The temporary access fee shall be \$10,000 per acre of land being developed within the S-1 service area. The TAF is not due for land conveyed to the City. The TAF shall be subtracted by the following, but shall not be less than \$0
  - (iii) the market value of the land conveyed pursuant to Condition 1.a above; and

- (iv) the certified cost of the non-reimbursed off-site portion of the water main constructed pursuant to Condition 1.b above.

As part of the modification request Condition 4 or UGA17-03 is modified to read as follows:

Condition 4: The applicant shall be required to convey lot 138 for future construction of Coburn Reservoir (UGA17-03;4)

Construct a minimum 18-inch water main in one of the following locations:

- iii. In Reed Road SE from the north line of the subject property to Strong Road SE; or
- iv. In Strong Road and Marietta Street, from the south line of the subject property to the terminus of the existing S-1 water main in Marietta Street SE near Fairview Industrial Drive SE.

Construct a minimum 18-inch water main from the south line of the subject property along Strong Road SE through the subject property to the north line of the subject property along Reed Road SE. The 18-inch water main shall be extended also to the south line of lot 138.

Construct a minimum 12-inch water main from the intersection of Reed Road SE and future J Street SE to the intersection of Battle Creek SE and future N Street SE.

Construct Coburn Reservoir, Boone Road S-1 Pump Station, and S-1 connecting water mains as indicated in Water System Master Plan; or pay a Temporary Access Fee (TAF) pursuant to SRC 200.080(a). The TAF shall be \$10,000 per acre of land being developed within the S-1 service area. The TAF is not due for land conveyed to the City. The TAF shall be subtracted by the following, but shall not be less than \$0:

- iii. the market value of the land conveyed in condition 1a above; and
- iv. the certified cost of the non-reimbursed off-site portion of the water main in condition 1b above. (UGA17-03;4)

The remaining requirements of UGA17-03 apply and are incorporated above in the conditions of approval for the subdivision. No changes to the following are conditions of UGA17-03 are proposed. The previous requirements have been incorporated above as conditions of approval of the subdivision.

**Condition 1:** Provide a Traffic Impact Analysis (TIA) pursuant to SRC 803.015. The following requirements for boundary street right-of-way dedication and street improvements represent the minimum necessary to meet SRC 200.055(c); additional transportation requirements may apply as specified in the TIA:

- a) Convey land for dedication of right-of-way along all boundary streets to equal the following distances from street centerline:
  - i. Battle Creek Road SE – 36 feet

- ii. Reed Road SE – 36 feet
- iii. Strong Road SE – 30 feet
- b) Construct a 23-foot-wide half-street improvement along the entire frontage of Battle Creek Road SE and Reed Road SE.
- c) Along Strong Road SE, construct a 15-foot-wide half-street improvement on the development side of centerline and a 15-foot-wide pavement widening on the opposite side of centerline along Strong Road SE.

**Condition 2:** Connect to the existing sewer mains in Strong Road SE and Reed Road

SE. If off-site easements are needed because of topographic constraints and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the acquisition procedures established in SRC 200.050.

**Condition 3:** Connect to the existing stormwater facilities abutting Strong Road SE, Reed Road SE, and Kuebler Boulevard SE. If off-site easements are needed because of topographic constraints, and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the acquisition procedures established in SRC 200.050.

**Condition 5:** Reserve property for dedication of neighborhood park facility not less than 6.5 acres in size. ~~The park facility shall be located along Pringle Creek in the vicinity of Tax Lot 083W11D00200 or in an alternate location as approved by the Public Works Director.~~

## 8. Criteria for granting a Class 2 Adjustment

**SRC 250.005(d)(2)(A):** The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or
- (ii) Equally or better met by the proposed development.

### Criterion 1:

**A change in the circumstances has occurred which has the effect of making the list of required public facilities inappropriate or inadequate.**

**Finding:** The proposed adjustment is to reduce lot depth for Lot 89 from 70-feet to 59-feet.

The location of “J Street” cannot be moved south due to the location of the future park, previously approve to be partitioned (PAR18-08). This makes Lot 89 extremely long in depth and teardrop shaped. Lot 89 is over 10,000 square feet in size, greatly exceeding the minimum parcel size of the RS zone. Due to the long narrow of the property the width of the lot is approximately 59-feet, when measured pursuant to SRC 112. The long narrow portion of the lot cannot be built on and is likely to be landscaping. Lot 89 does have a depth of approximately 87-

feet at its widest point and the purpose of the setback is to provide a buffer between properties.

**Criterion 2:**

**The proposed amendment does not simply reduce the developer's costs by shifting construction to later phases or to another developer or the public, unless the benefits received by such other developer and the public are significantly increased.**

**Finding:** As described above, the adjustments are to allow single family dwelling to be constructed on lots in a manner that would alleviate future need to reduce setbacks. The adjustment would allow the lot to be developed in a similar way as the surrounding properties, meeting this criterion.

**Criterion 3:**

**The proposed amendment does not simply reduce the developer's costs by shifting construction to later phases or to another developer or the public, unless the benefits received by such other developer and the public are significantly increased.**

**Finding:** One adjustment is requested; therefore, this criterion is not applicable.

Any future development, beyond what is shown in the proposed plans, needs to meet all applicable development standards of Salem Revised code, unless adjusted through a future land use action.

## **CONCLUSION**

Based upon review of SRC 205.005, SRC200.030, SRC250.005, the findings presented herein the tentative subdivision plan, adjustment and modification to UGA17-03 complies with the requirements for an affirmative decision. Approval will not adversely affect the safe and healthful development and access to any adjoining lands.

That Subdivision Adjustment Case No. 19-08 and Modification of Urban Growth Preliminary Declaration Case No. UGA17-03MOD1, which includes the following request:

- 1) A subdivision tentative plan to divide approximately 52.80 acres into 209 lots ranging in size from approximately 4,400 square feet to approximately 13,500 square feet, including "Alternative Street Standards" request to increase the street grade from 12% to 15% for five street intervals and 52-foot right-of-way, where 60-foot is required and removal of street trees along Reed Road, Battle Creek Road and Strong Road;
- 2) Zoning Adjustment application to reduce lot width for Lot 89 from 70-feet to 59-feet; and

- 3) Urban Growth Preliminary Declaration Modification (UGA17-03) to re-evaluate the location of off-site water mains that provide City water to the development.

On property zoned RA (Residential Agriculture), and located on the 4700 Block of Battle Creek Road SE (Marion County Assessor Map and Tax Lot Numbers 083W12B / 1600, 083W12C / 700 and 083W11D /100, 200, 400, 500, 601, 602), shall be GRANTED as follows:

- A. The Urban Growth Area Preliminary Declaration (UGA17-03) Modification of the facility improvements required to obtain an Urban Growth Area (UGA) Development Permit for the subject property is **APPROVED**, the findings contained herein, and requirements for development are incorporated as conditions of approval of SUB-ADJ19-08, below:
- B. The subdivision tentative plan is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

**Condition 1:** The front property lines are designated below:

Corner Lot	Front Property Line
Lot 1	West property line - fronting on Street 'B'
Lot 2	West property line - fronting on Street 'B'
<b>Lot 4</b>	<b>South property line - fronting on Street 'C'</b>
<del>Lot 5</del>	<del>South property line - fronting on Street 'B'</del>
Lot 20	North property line - fronting on 'C Avenue'
Lot 22	North property line - fronting on 'C Avenue'
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Lot 53 <b>77</b>	North property line - fronting 'I Avenue'
Lot 58	South property line - fronting on 'I Avenue'
Lot 59	North property line - fronting on 'E Avenue'
Lot 60	<del>North</del> <b>South</b> property line - fronting on Street 'E' <b>'E'</b>
Lot 61	<del>South</del> <b>North</b> property line - fronting Street 'E' <b>'C'</b>
Lot 70	East property line - fronting Street 'G'
Lot 76	<del>South</del> <b>East</b> property line - fronting on Street 'G'
Lot 84 <b>83</b>	South property line - fronting 'J Avenue'
Lot 89 <b>88</b>	South property line - fronting 'J Avenue'
Lot 90 <b>91</b>	<del>North</del> <b>West</b> property line - fronting Street 'N'
Lot 92	<del>South</del> <b>East</b> property line - fronting Street 'N' <b>'M'</b>
Lot 93 <b>95</b>	East <b>or West</b> property line - fronting Street 'M' <b>or 'K'</b>
Lot 96	<del>South</del> <b>West</b> property line - fronting Street 'M' <b>'K'</b>
<del>Lot 97</del>	<del>South property line - fronting Street 'K'</del>
<del>Lot 136</del>	<del>South property line - fronting Street 'K'</del>
<del>Lot 172</del>	<del>North property line - fronting Street "N"</del>
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<b><u>Lot 170</u></b>	<b><u>North property line - fronting Street "N"</u></b>
<b><u>Lot 174</u></b>	<b><u>North property line - fronting Street "N"</u></b>
<b><u>Lot 175</u></b>	<b><u>East property line - fronting Street 'O'</u></b>
<b><u>Lot 177</u></b>	<b><u>North property line - fronting Unnamed Street</u></b>
<b><u>Lot 178</u></b>	<b><u>South property line - fronting Street 'P'</u></b>
<b><u>Lot 179</u></b>	<b><u>South property line - fronting Street 'P'</u></b>
<b><u>Lot 181</u></b>	<b><u>South property line - fronting 'P Avenue'</u></b>
Lot 182	South property line - fronting 'P Avenue'
<b><u>Lot 192</u></b>	<b><u>North property line - fronting Street 'P'</u></b>
<b><u>Lot 193</u></b>	<b><u>East property line - fronting Street 'O'</u></b>
<b><u>Lot 197</u></b>	<b><u>South property line - fronting 'Q Avenue'</u></b>
Lot 184	South property line - fronting 'P Avenue'
Lot 185	South property line - fronting 'P Avenue'
Lot 195	North property line - fronting 'P Avenue'
Lot 196	East property line - fronting Street 'Q'

**Condition 2:** The front property line for Lots 203-209 shall be the north property line and the front property line for Lot 3 shall be the west property line. No access to the higher classified street shall be allowed.

**Condition 3:** Lots 144-147 shall take access from Street 'M' and the south property line is the designated the front property line.

**Condition 4:** Prior to the issuance of building permits, the subject property shall have a favorable Airport Overlay zone height variance.

**Condition 5:** Prior to final plat, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate future impervious surface on all proposed lots, including stormwater facilities needed to serve new streets.

**Condition 6:** All streets within the proposed subdivision shall meet 12 percent grade; with the exception of the five street sections, identified on the proposed tentative plan, which shall not exceed 15 percent.

**Conditions 7:** The applicant shall provide mid-block pedestrian access as shown on the tentative subdivision plan.

**Condition 8:** Proposed Streets K, M and N shall be a minimum of 52-feet in width, which includes a four-foot planter to accommodate street trees and sidewalks adjacent to one foot from property line. All other streets shall meet local street standards.

**Condition 9:** Dedicate a 10-foot-wide public utility easement (PUE) along the street frontage of all abutting and internal streets.

**Condition 10:** Prior to issuance of public construction permits, a tree preservation and protection plan pursuant to SRC Chapter 86 and Salem Administrative Rule 109-500, and signed by a certified arborist, shall be submitted for the identified

preserved "Future Street Trees" (32" Oak, 10" Oak and 24" Oak along Reed Road & 32" Oak along Strong), to the City for review. Future Street Trees, identified above, shall be preserved. Any proposed removal of identified Future Street Trees (listed above) would require a separate removal permit pursuant to SRC 86.090.

**Condition 11:** The significant oak located on Lot 68 and the two 40-inch Fir trees near Strong Road shall be preserved.

**Condition 12:** Trees proposed for removal that are located within the right of way abutting streets shall follow the procedures of SRC Chapter 86.

**Condition 13:** All lots within the S-1 service level shall be served by S-1 water mains, and all lots within the S-2 service level shall be served by S-2 water mains. Water mains may need to be extended through future unconstructed phases within temporary easements in order to serve all lots in each phase.

**Condition 14:** Construct Coburn Reservoir, Boone Road S-1 Pump Station, and S-1 connecting water mains as indicated in Water System Master Plan; or pay a Temporary Access Fee (TAF) pursuant to SRC 200.080(a). The TAF shall be \$10,000 per acre of land being developed within the S-1 service area as proportional payments within each section as specified below. The TAF shall be subtracted by the market value of lot 138 but shall not be less than \$0. (UGA17-03;4)

**Condition 15:** Dedicate a neighborhood park facility not less than 6.5 acres in size. (UGA17-03;5)

**Condition 16:** Demonstrate that the proposed subdivision conforms to the access requirements of the Fire Code by one of the following methods:

- (a) Provide written evidence from the Fire Marshal that the subdivision, as approved, does not exceed the maximum 30 dwelling units allowed to be served by a single fire apparatus road; or
- (b) Provide written approval from the Fire Marshal allowing more than 30 dwelling units to be served by a single fire apparatus road subject to all of the dwelling units within the subdivision being equipped with an automatic sprinkler system; or
- (c) The subdivision so that no more than 30 dwelling units will be served by a single fire apparatus road.

**Condition 17:** Demonstrate adequate Fire Department turn-arounds prior to final plat of Phase K, H, F and A.

**Condition 18:** Prior to any plat, the applicant shall coordinate with Salem-Keizer Cherriots for a transit stop and provide evidence of the location of a future transit stop or a letter from Salem-Keizer Cherriots that no stop is needed in the vicinity.

**Condition 19:** The subdivision shall be phased in the following order:



Section E: 16 lots  
Section G: 22 lots  
Section I: 18 lots  
Section J: 17 lots  
Section F: 15 lots  
Section H: 25 lots  
Section K: 15 lots  
Section A: 24 lots  
Section D: 25 lots  
Section B: 17 lots  
Section C: 15 lots

**Prior to plat of Section E:**

**Condition 20:** Construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards pursuant to PWDS. Acquire and/or convey land for dedication of right-of-way as needed to construct the improvements. If off-site right-of-way is needed to construct the improvements and the applicant is unable to acquire the right-of-way from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. The intersection shall include:

- A westbound to southbound left turn lane on Reed Road SE;
- A southbound to eastbound left turn lane on Battle Creek Road SE;
- A northbound to eastbound right turn lane on Battle Creek Road SE; and
- A pedestrian island on Battle Creek Road SE along the south side of the intersection. (UGA17-03;1)

**Condition 21:** Construct a minimum 18-inch S-1 water main in Reed Road SE from Strong Road SE to J Avenue SE. (UGA17-03;4)

**Condition 22:** Construct a minimum 18-inch S-1 water main in J Avenue SE from Reed Road SE to H Street SE, and in H Street SE from the south line of Section E to the north line of Section E. (UGA17-03;4)

**Condition 23:** Pay \$43,362 as the proportional amount of the water TAF. (UGA17-03;4)

**Condition 24:** A temporary pedestrian access route, at least 5-feet in width, shall be provided from sidewalks along J Avenue to the intersection of Reed Road and Battle Creek Road.

**Prior to plat of Section G:**

**Condition 25:** Construct Reed Road SE from Battle Creek Road SE to the north line of the subject property, at a minimum 23-foot-wide half street improvement to

Minor Arterial standards within a minimum 36-foot-wide half-width right-of-way. The improvements shall include on-street parking and tapers. (UGA17-03;1)

**Condition 26:** Pay \$52,491 as the proportional amount of the water TAF. (UGA17-03;4)

**Condition 27:** Construct multi-modal trails to proposed park as shown on tentative subdivision plan to PWDS Standards.

**Prior to plat of Section I:**

**Condition 28:** Construct Battle Creek Road from Reed Road to the southern edge of Segment I to a 23-foot-wide half street improvement to Minor Arterial standards within a minimum 36-foot-wide half-width right-of-way. (UGA17-03;1)

**Condition 29:** Construct a minimum 12-inch S-1 water main in Reed Road SE from J Avenue SE to Battle Creek Road SE, and in Battle Creek Road SE from Reed Road SE to N Street SE. (UGA17-03;4)

**Condition 30:** Pay \$43,362 as the proportional amount of the water TAF. (UGA17-03;4)

**Prior to plat of Section J:**

**Condition 31:** Pay a temporary access fee of \$13,680 toward the future signal at Battle Creek Road SE and Reed Road SE.

**Condition 32:** Construct a pedestrian access route along missing sections of sidewalk on the west side of Battle Creek Road SE from Reed Road SE to Forsythe Drive SE.

**Prior to plat of Section F:**

**Condition 33:** Construct a minimum 18-inch S-1 water main in K Street SE from the north line to the south line of Section F. (UGA17-03;4)

**Condition 34:** Pay \$27,387 as the proportional amount of the water TAF. (UGA17-03;4)

**Prior to plat of Section H:**

**Condition 35:** Paved width of accessway shall be 20-feet within a 25-foot wide easement, which serves Lots 131, 132 and the future Coburn Reservoir (Lot 130).

**Condition 36:** "NO PARKING—FIRE LANE" signs shall be posted on both sides of the segments of the proposed flag lot accessway that are fire apparatus roadways and "NO PARKING" signs shall be posted on both sides of any remaining portion of the accessway.

**Condition 37:** Convey lot 138 to the City for future construction of Coburn Reservoir. (UGA17-03;4)

**Condition 38:** Construct a minimum 18-inch S-1 water main in K Street SE from the north line of Section H to the south line of lot 138. (UGA17-03;4)

**Condition 39:** Pay \$11,411 as the proportional amount of the water TAF. (UGA17-03;4)

**Prior to plat of Section A:**

**Condition 40:** Convey land for dedication of right-of-way to equal a half-width of 30 feet from centerline along the entire frontage of Strong Road SE.

**Condition 41:** Construct a 15-foot-wide half-street improvement on the development of centerline and a 15-foot-wide pavement widening on the opposite side of centerline along Strong Road SE.

**Condition 42:** Construct a minimum 18-inch S-1 water main within Sections A and D from H Street SE at the south line of Section D to Strong Road SE at the south line of Section A. Design City infrastructure improvements needed for Section D in sufficient detail to determine that the water main construction meets PWDS. Construct a temporary utility and emergency access road along the water main alignment. (UGA17-03;4)

**Condition 43:** Pay \$59,377 as the proportional amount of the water TAF. (UGA17-03;4)

**Prior to plat of Section D:**

**Condition 44:** Pay \$57,055 as the proportional amount of the water TAF. (UGA17-03;4)

**Condition 45:** Lots 57-59 and 74-81 shall connect to the existing sanitary system in Reed Road SE. Lots 60-73 shall connect to the existing sanitary system in Strong Road SE. If off-site easements are needed because of topographic constraints and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. (UGA17-03;2)

**Condition 46:** Lot 57-59 and 74-81 shall connect to the existing stormwater facilities abutting Reed Road SE. Lots 60-73 shall connect to the existing stormwater facilities in Strong Road SE. If off-site easements are needed because of topographic constraints and the applicant is unable to acquire easements from adjacent property owner(s), then the applicant shall follow the procedures established in SRC 200.050. (UGA17-03;3)

**Prior to plat of Section B:**

**Condition 47:** Pay \$38,798 as the proportional amount of the water TAF. (UGA17-03;4)

**Prior to plat of Section C:**

**Condition 48:** Pay \$38,798 as the proportional amount of the water TAF. (UGA17-03;4)